THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.4252 OF 2007

DATED 20th MARCH, 2007

BETWEEN:

Fathima Mubarak Alinoor

… Petitioner

AND

Mandal Revenue Officer, Shamshabad Mandal,
Ranga Reddy District.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4252 OF 2007

ORDER:

The petitioner allegedly purchased 400 square yards in plot Nos.35 and 36 comprised in survey Nos.220/8 (part) situated at Shapur (Pedda) village of Shamshabad Mandal from K.Ravinder Reddy under Agreement of Sale-cum-GPA holder of Sri Sai Real Estates under registered document, dated 26.12.2005. She alleges that the land was allotted initially to an ex-servicemen and therefore, the conditions of inalienability have no application as per the orders of the Government in G.O.Ms.No.743, Revenue (B) Department, dated 30.01.1963. She allegedly constructed two rooms of 10' x 10' size and respondent on 26/27.02.2007 came with the bulldozer and attempted to demolish the rooms. However, the petitioner statedly prevented the revenue officials from taking possession. In this background, he seeks a writ of Mandamus declaring the action of the respondents as illegal and arbitrary.

On 06.03.2007, at the stage of preliminary hearing, after getting instructions, learned Assistant Government Pleader for Revenue (T) submitted that part of the land in possession of the petitioner was encroached and that the proceedings under A.P.Land Encroachment Act, 1905 (Land Encroachment Act, for brevity) are taken up. Today, after getting further instructions, he submits that the land admeasuring Acs.110.23 guntas in survey No.220 is classified as Gairan Sarkari (Government land), out of which an extent of Acs.3.00 was assigned to Indrakanti Narasimha in 1977, as he sold the property to Thota Krishna Rao and others, action was initiated under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 and after issuing show cause notice, dated 14.03.2005, the land was resumed from the occupants on 12.01.2007. It was brought to the notice of the Mandal Revenue Officer (MRO) on 05.02.2007, that the petitioner was found making construction. Therefore, a notice under Section 7 of the Land Encroachment Act is issued on 09.02.2007 and as the petitioner is not available in the premises, notice was affixed on the wall of the premises. The petitioner did not submit any explanation, and therefore, an order was passed under Section 6 of the Land Encroachment Act on 18.02.2007 ordering eviction of the petitioners. He also submits that the Mandal Revenue Inspector has already taken possession of the land and the same is in the custody of the

Government.

Learned Assistant Government Pleader has produced relevant file. A perusal of the same proves counter averments. Therefore, liberty is given to the petitioner to approach the Mandal Revenue Officer and obtain a copy of the order/notice under Section 6 of the Land Encroachment Act and if so advised the petitioner may file an appeal before the Revenue Divisional Officer under Section 10 of the Land Encroachment Act and, as and when such appeal is filed, the appellate authority may consider the appeal and pass appropriate orders.

With the above observations, the writ petition is dismissed. No costs.

(V.V.S.RAO,J)

20.03.2007.
pln